

Application No. 09/356,719  
Amendment "A" dated September 9, 2004  
Reply to Office Action mailed July 7, 2004

### REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on August 24, 2004. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The first Office Action, mailed July 7, 2004, considered and rejected claims 1-6.<sup>1</sup> The rejections to the claims were made under 35 U.S.C. § 103(a) in view of Florin (U.S. Patent No. 5,583,560) and Yuen (U.S. Patent No. 5,488,409).<sup>2</sup>

By this paper, claims 1-2 and 4-6 have been amended<sup>3</sup> and new claims 26-32 have been added, such that claims 1-6 and 26-32 remain pending, of which claims 1 and 32 are the only independent claims at issue. Although new independent claim 32 was not explicitly addressed during the interview, claim 32 is a computer program product claim that includes the method discussed during the interview and that is recited in claim 1.

As discussed during the interview, the amendments made to claim 1 clarify an embodiment of the invention for recording programming in a home entertainment system that includes a central device that receives programming and an electronic programming guide. The central device then, in response to recording instructions, transmits the programming to a recording system to be recorded on a recording medium. Prior to sending the programming to the recording system, the central device also sends a first set of programming information obtained from the electronic programming guide to the recording system to be recorded to the recording medium. The central device also transmits a second set of programming information

<sup>1</sup> Claims 1-6 were orally elected over the telephone on June 23, 2004. Accordingly, claims 7-25 were withdrawn from consideration by the Examiner and are herein cancelled by amendment. It will be appreciated, however, that the applicant has no intention of abandoning the subject matter of those claims at this time. To the contrary, those claims are now being pursued in a continuation.

<sup>2</sup> Claim 2 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin and Yuen in view of Klosterman (U.S. Patent No. 5,923,362) and claim 6 was rejected under 35 U.S.C. § 103(a) in view of Florin and Yuen and further in view of Ohno (U.S. Patent No. 5,761,371). Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>3</sup> The amendments made by this paper are primarily supported by the disclosure found on pages 25-27 of the specification and Figures 9-10. This supporting disclosure, which was referenced during the interview, also supports the newly added claims 26-32. Some additional changes were made to the claims subsequent to the interview, including the deletion of the text "upon receipt of the programming", "upon receiving the first set of programming information" and "after recording the programming." These changes, however, are irrelevant with regard to the discussions held during the interview in which the claims were distinguished over the art of record. These new changes were made to avoid unnecessarily narrowing the scope of the invention.

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comprising indexing information from the stored electronic programming guide to the recording system to be recorded.

The method described above was presented during the interview. However, the amendments made by this paper include an additional change to claim 1 that was not presented at the interview. This additional change has been made to clarify that while the indexing information is recorded to the recording medium after the programming is recorded, it is not necessary to specify when the second set of programming information is transmitted. The reason for making this additional change, therefore, is to allow the claims to cover embodiments wherein the second set of programming information is transmitted at various times, such as, for example, with the first set of programming information.

The foregoing change to the claim amendments does not, however, affect the discussions presented during the interview in which the claimed invention was distinguished from the art of record. In particular, none of the cited art suggests or discloses a method in which at least some programming information obtained from a central device is transmitted to a recording system to be recorded, prior to transmitting the programming, and wherein at least some programming information is recorded after recording the programming as claimed.

Accordingly, for at least the foregoing reasons, as well as those presented during the interview, the Applicant respectfully submits that the pending claims are neither anticipated by nor made obvious by the art of record.

The newly added claims even further distinguish the claimed invention from the art of record. In particular, the art of record fails to disclose or suggest a method as claimed, wherein prior to recording the indexing information, the recording system rewinds or forwards the recording medium to the specified location to be recorded (claim 26), wherein the indexing information is recorded to the VBI or overscan area of the specified location (claim 27), wherein indexing information corresponding to multiple recorded programming sessions is recorded at the specified location of the recording medium (claim 28), wherein prior to recording the programming, the beginning of free space on the recording medium is identified at least in part on the indexing information stored (claim 29), and wherein prior to recording the programming, the home entertainment system automatically determines whether there is enough free space to record the programming on the recording medium based at least in part on the indexing

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information stored at the specified location (claim 30) and if there is not enough space, prompts the user to provide a new recording medium to record the programming (claim 31).

For at least the forgoing reasons, the Applicant respectfully submits that the pending claims 1-6 and 26-32 are now in condition for prompt allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 10 day of September 2004.

Respectfully submitted,



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